

REMARKS

Further consideration of this application is requested in view of the foregoing amendments which are intended to respond to various points made by the Examiner in the office action of 3 April 2007.

In paragraph 3 of the office action, the Examiner continues to reject Claims 17-19, 25-28 and 34-36 as obvious over Bassam US Patent No. 5,849,264. This rejection is essentially identical to a rejection made in the office action of 15 June 2006. In paragraphs 7 and 8 of the office action, the Examiner replied to arguments previously presented by Applicants in an effort to overcome this rejection. With respect to the points made by the Examiner in paragraph 7, Applicants are now amending the claims so that component (b) is limited to mono- and poly-glyceryl esters and to alkoxyated alcohols. In response to the point raised by the Examiner in paragraph 8, the claims have now been amended to indicate clearly that component (d) is present in an amount of from about 0.1 to about 10% of the non-ionic surfactant – i.e., component (b) – present in the composition.

In paragraph 4 of the office action, the Examiner rejects Claims 17-19, 25-28, 34 and 35 as obvious over Stopper US Patent No. 4,536,323. This rejection is respectfully traversed and reconsideration is requested.

The Examiner states that Applicants' claims set forth concentrations of the emulsifier package of about 1.0% of non-ionic surfactant and an anionic surfactant of 10% based on the non-ionic surfactant. This is not an unreasonable statement in itself since Applicants' component (d)(I) can include some anionic surfactants. The Examiner notes that Claim 1 of the Stopper reference recites a minimum of 3% of a mixed surfactant system and seems to imply that Applicants' "about 1%" would also include a concentration of "about 3%". It is Applicants' contention that an upper limit of "about 1%" cannot be stretched to include an amount that is three times the recited 1%. The basis for the Examiner's assertion that "about 1%" should include concentrations of about

3%, seems to be Applicants' statement – in Paragraph 0010 of the published application – that Applicants' non-ionic surfactant can go up to about 10%. However, the Examiner appears to be losing sight of the fact that Applicants' obligation in this regard is to differentiate the claims being prosecuted, not to differentiate Applicants' broad disclosure. Therefore, there is no basis to assert that “about 1%” can include the 3% recited by the Stopper reference.

In paragraph 5 of the office action, the Examiner again rejects all of Applicants' claims as obvious over WO 99/21659 (Fox) in view of the Stopper or Bassam references. Again, the rejection is respectfully traversed.

Applicants' have been aware of the relevant portions of the Fox reference. In Paragraph 0005 of their published application, Applicants refer to WO 97/28883 as describing an aerosol spray device constructed so that a unipolar charge is imparted to sprayed-out particles. The device disclosed in Fox is similar. Essentially, where Applicants' claims differ from Fox is in the contents of the aerosol spray device. As noted in Paragraph 0007 of Applicants' published application, one of the features of Applicants' invention is that, by careful selection of the components of the composition contained in the aerosol spray device, one can enhance the charge imparted to the liquid droplets without requiring any special features in the construction of the aerosol spray head.

The Examiner points to a discussion in the Fox reference in the paragraph running from page 2, line 22, through page 3, line 22. This can be construed as a statement to the effect that an appropriate charge can be imparted to liquid droplets solely as a result of the formulation of the composition contained in the aerosol spray device. However, there is nothing in the Fox reference which would teach to a person skilled in the art what the formulation should be. In order to supply this missing feature, the Examiner has turned to either the Bassam reference or the Stopper reference. As discussed above and in previous submissions in connection with this application, neither the Bassam nor the

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Stopper reference teaches the formulations which Applicants require to be used in their claimed methods. Accordingly, it is submitted that the rejection over Fox in view of either Bassam or Stopper is without merit and should be withdrawn.

CONCLUSION

In view of the foregoing Amendment and these remarks, it is believed that all claims in this application are in condition for allowance. Favorable action is requested.

Respectfully submitted,



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